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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,328	06/21/2005	Christoper James Massam	4502-1085	1633

466 7590 09/16/2010

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER	
MCADAMS, BRAD	
ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
09/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/540,328	MASSAM ET AL.	
	Examiner	Art Unit	
	ROBERT B. MCADAMS	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/28/2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-32 and 34-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-32 and 34-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the appeal brief filed on June 28, 2010.

2. Claims 21-32 and 34-39 are pending.

3. In view of the appeal brief filed on 6/28/2010, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Rupal D. Dharia/

Supervisory Patent Examiner, Art Unit 2400.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 21-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fangman* (U.S. Patent No. 6,687,245) in view of *Hughes* (U.S. Patent No. 6,854,009 B1).

As to **Claims 21, 25 and 28,** *Fangman* discloses a method of providing a VPN communication between two or more network devices of unknown network address at least a first one of which network devices does not initially know the other network devices internet network addresses **(IP Telephones 120A and B, Figure 2)**, the method comprising:

providing a verification authority connected to the internet remote from the two or more network devices and capable of verifying the identity of the two or more internet network devices **(SG 170, containing DHCP functionality, verifies the MAC address of the connected network devices. Step 510, Figure 5A)**;

providing a configuration server connected to the internet remote from the two or more network devices and capable of supplying to each verified internet device the

entire configuration data for that verified internet device **(TFTP Server. Steps 546-556, Figure 5B; Column 19, Lines 60-63)**;

providing each of the two or more network devices having no provision to permanently store the user configuration data, each of the devices containing configuration information only sufficient to connect the devices to an internet service provider to request a first IP address **(Each IP Telephone upon power-on is un-initialized wherein it only contains information for contacting a server to retrieve an address. Steps 402 and 404, Figure 4; Column 15, Lines 48-59)** , and using that first IP address to connect to the remote verification authority at a remote verification authority and using the designated internet address of that remote verification authority **(DHCP lease negotiations include default gateway, SG 170. Column 16, Lines 44-48)**, and subsequently downloading from a remote configuration authority authorized by the remote verification authority the entire configuration data each time the device is initialized, for one of the two or more internet network devices, each time that device is initialized, reloading that device with the downloaded configuration data **(After initialization of said IP Phones the entire configuration is downloaded from the TFTP Server. Steps 402 and 404, Figure 4A; Paragraph bridging Columns 15 and 16),**

storing the allocated internet network address of the network device at the verification authority **(SG 170 acts as a NAT, storing public and private address translation tables of connected network devices. Column 8, Lines 14-24),**

repeating the process for each of the other network devices so that each of the other network devices downloads from the remote configuration server authorized by the remote verification authority the entire configuration data for that particular internet network device each time that particular device is initialized and reloading that particular device with the downloaded configuration data and storing the allocated internet network address for that particular device at the verification authority **(Each IP Telephone 120 follows Steps 402-404, Figure 4A and storing the network address at the verification authority as discussed above.),**

and initiating a VPN communication between two or more of the network devices, by sending an instruction from the verification authority to one of the network devices by supplying to that network device the allocated internet address of at least one of the other network devices so that the recipient internet device can communicate with the other network device **(SG 170 supplies the network address of a IP Telephone 120 to a remote VPN concentrator so the remote IP Telephone can communicate. Figures 10A and 10B; Column 9, Lines 23-40).**

However, *Fangman* does not expressly disclose providing within each of the two or more network devices, a routine which securely contacts the remote verification authority, providing the identity of the network device.

Hughes, in the same field of endeavor, teaches providing within each of the two or more network devices, a routine which securely contacts the remote verification authority, providing the identity of the network device **(Clients 132, 141 authentication**

and tokening are passed between the authentication server. Column 6, Lines 14-22).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have combined providing VPN communication between two network devices as taught by *Fangman* with providing a secure connection to the authentication server as taught by *Hughes*. The motivation would have been to provide additional security.

As to **Claim 22,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Hughes* further teaches wherein the two or more network devices are routers **(VPN Device 144a and 144b route data between the internet and the local network. Figure 1A and 1B)**.

As to **Claim 23,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Hughes* further teaches wherein the routers form part of ADSL modems **(VPN Device 141 uses a DSL modem to connect to the internet. Column 7, Lines 55-64)**.

As to **Claim 24,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Fangman* further teaches wherein the configuration data is downloaded as a single transaction **(Steps 402 and 404, Figure 4A; Paragraph bridging Columns 15 and 16)**.

As to **Claim 26,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Hughes* further teaches wherein the configuration data remains unchanged for the duration of the network devices powered on cycle **(Column 26, Lines 27-30)**.

As to **Claim 27,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Fangman* further teaches wherein the configuration data is only downloaded upon a power up sequence **(Steps 402 and 404, Figure 4B)**.

As to **Claim 29,** *Fangman-Hughes* teach the method as previously discussed in Claim 21. *Fangman* further teaches wherein a user sends a request via secure internet access to the remote authority to create a VPN between some or all of the network devices whose addresses have been stored at the remote authority **(Figures 10A and 10B)**.

6. **Claims 30-32 and 34-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fangman* (U.S. Patent No. 6,687,245) in view of *Hughes* (U.S. Patent No. 6,854,009 B1) and in further view of *Weldon* (U.S. Patent No. 6,366,563 B1).

As to **Claim 30,** *Fangman-Hughes* teach the method as previously discussed in Claim 29.

However, *Fangman-Hughes* do not expressly teach sending statistics for analysis.

Weldon, in the same field of endeavor, teaches network devices communicating with a remote authority on schedule to send statistics for storage and analysis **(Probing router, on a polling interval, collects statistics for storage and analysis. Column 10, Figure 5; Column 10, Lines 41-55).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have combined the communication method as taught by *Fangman-Hughes* with sending statistics as taught by *Weldon*. The motivation would have been to enhance the performance of the VPN by analyzing performance statistics.

As to **Claim 31,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein each of the two or more network devices are routers **(VPN Device 144a and 144b route data between the internet and the local network. Figure 1A and 1B)**.

As to **Claim 32,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the routers form part of ADSL modems **(VPN Device 141 uses a DSL modem to connect to the internet. Column 7, Lines 55-64)**.

As to **Claim 34,** *Hughes Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Fangman* further teachs wherein the configuration details and software are downloaded as a single transaction **(Steps 402 and 404, Figure 4A; Paragraph bridging Columns 15 and 16)**.

As to **Claim 35,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the configuration details and software are lost when the network device loses power **((VPN device 144a securely contacts remote verification authority, Authentication Server 216, via a VPN, to download and store its configuration data from the Configuration Server in RAM, where the local configuration is lost upon power loss as is well known in the art when using RAM as a storage device. Column 4, Lines 14-17, Column 4, Lines 56-65, Column 7, Lines 55-64 and Paragraph bridging Columns 7 and 8.)**

As to **Claim 36,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the configuration details and software remain unchanged for the duration of the network devices powered on cycle **(Column 26, Lines 27-30)**.

As to **Claim 37,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the configuration details and software are only downloaded upon a power up sequence **(Column 7, Lines 55-64)**.

As to **Claim 38,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the remote authority sends a code to at least one of the network devices which forces it to download the configuration details and software **(A code is checked forcing the download of the configuration software. Column 11, Lines 9-19)**.

As to **Claim 39,** *Fangman-Hughes-Weldon* teach the method as previously discussed in Claim 29. *Hughes* further teachs wherein the user configuration details and software can be changed by a user via a secure internet connection to the remote authority **(A user can change which profile configuration they connect to at the remote authority. Column 13, Lines 36-41)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT B. MCADAMS whose telephone number is (571)270-3309. The examiner can normally be reached on Monday-Thursday 5:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. B. M./
Examiner, Art Unit 2456

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400